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October 1, 2013

To: Honorable Members of the Michigan Senate Energy & Technology Committee

Re: Support for SB 540 (S-1)

On behalf of Michigan Farm Bureau's (MFB) more than 48,000 farm family members, we urge you to support SB 540 (S-1), commonly referred to as the "MISS Dig" legislation.

Michigan farmers understand the value of utilities and broadband communication and support reasonable efforts to minimize damage to infrastructure. In fact, Michigan Farm Bureau members have been proponents for expanding utility infrastructure such as broadband, natural gas distribution and 3-Phase electric into rural areas for improved access.

We appreciate the work that the bill sponsor, staff and interested stakeholders have put into the new (S-1) substitute. The bill provides clarity for farmers as it relates to the proposed process by focusing efforts on risk management and providing greater incentives for compliance. Additionally, the bill will encourage a shared partnership between landowners and utility interests in protecting underground facilities.

Specifically, the legislation does the following:

- Clarifies that farmers will not be required to call MISS Dig as long as their "farming operations" are no more than 12" below the surface, within a road Right of Way (ROW), not within 6' of any above ground facility (utility poles, sub-stations, etc.), and above 18" where existing petroleum or natural gas pipelines are present. If petroleum or natural gas pipelines are present, farming operations would be limited to 18" within 25 yards of the pipeline. Defines "farming operations" to mean plowing, cultivating, planting, harvesting, and similar operations routine to most farms. Farming operations do not include installation of drainage tile, underground irrigation lines, or the drilling of a well.
- Creates a voluntary farm member registry at no fee on the MISS Dig call system, so that a farmer can register a parcel of land with MISS Dig to receive notifications when any utility work would be conducted on that parcel.
- Creates a liability protection for excavators and farmers that comply with the act for damage done to underground utilities that are improperly marked, not marked, or determined to be within the safe zone.
- Creates liability protection for a farm who complies with the act for any damages to an underground utility if the damage occurred in the course of farming operations, except within

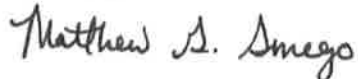
the ROW, unless the owner intentionally damaged the utility or acted with wanton disregard or recklessness. "Owner" includes a family member, employee, or tenant of the owner.

- Requires compliance from farm operations beginning May 1, 2014.

We appreciate the efforts that have been made in constructing this legislation and urge your support.

Please don't hesitate to contact me at (517) 230-1511.

Sincerely,

A handwritten signature in cursive script that reads "Matthew A. Smego".

Matt Smego  
Legislative Counsel